

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

**TCF EQUIPMENT FINANCE, a division
of TCF NATIONAL BANK**

Plaintiff,

v.

**SITWORK SPECIALTIES UTILITIES
& EXCAVATING LLC, BILLY JOE
SPEARS, and MANDY SPEARS,**

Defendants.

NO. 1:18-cv-00039

JUDGE CAMPBELL

MAGISTRATE JUDGE FRENSEY

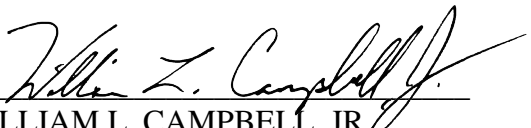
ORDER

Pending before the Court is the Magistrate Judge's Report and Recommendation (Doc. No. 38), which was filed on December 5, 2019. Through the Report and Recommendation, the Magistrate Judge recommends that Plaintiff's request for a writ of possession of one 2009 Caterpillar D6T XL Dozer, Serial# LAY01256 (the "Dozer") be granted and that Plaintiff's Motion for Entry of Default Judgment against Defendant Sitework Specialties Utilities & Excavating LLC and Defendant Billy Joe Spears (Doc. No. 30) be denied without prejudice. Although the Report and Recommendation advised the parties that any objections must be filed within 14 days of service, no objections have been filed.

The Court has reviewed the Report and Recommendation, Plaintiff's Motion (Doc. No. 30), and the file. Plaintiff has confirmed through filings, (*see* Doc. No. 42 at PageID # 205), and statements of counsel during the March 12, 2020 pretrial conference, that Defendants have surrendered possession of the Dozer to Plaintiff. Accordingly, Plaintiff's request for a writ of possession of the Dozer is **DENIED** as moot. The Court concludes the remainder of the Report and Recommendation should be adopted and approved. Accordingly, Plaintiff's Motion for Entry

of Default Judgment against Defendant Sitework Specialties Utilities & Excavating LLC and Defendant Billy Joe Spears (Doc. No. 30) is **DENIED** without prejudice.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE